

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ACCESS 4 ALL, INC., a Not-for-Profit Corporation, and FELIX ESPOSITO, Individually,

Case Number: 1:04-CV-12231-NG

Plaintiffs,

v.

47 HUNTINGTON AVENUE, a Massachusetts Limited Liability Company

Defendant.

[PROPOSED] JOINT SCHEDULING STATEMENT
PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(d), the parties submit the following joint statement in connection with the Scheduling Conference to be held on April 11, 2005:

1. **Matters to be Discussed at Conference.** The parties will appear prepared to discuss the following issues:

- a. A proposed pre-trial schedule for the case that includes the plan for discovery and deadlines;
- b. Anticipated dispositive and pre-trial motions;
- c. Alternative Dispute Resolution; and
- d. Settlement.

2. **Procedural Motions and other Pending Matters.** There are no pending motions currently before the Court.

3. **Schedule for Discovery.** The parties have agreed on the following discovery schedule:

4. Discovery Limits. The parties have agreed that discovery be conducted pursuant to the limits set forth in Local Rule 26.1(C). The parties have further agreed that all discovery requests must be propounded no later than 33 days prior to the close of

discovery. Each party shall reserve its or his right to seek by motion additional discovery, with good cause shown.

5. **Settlement.** The parties have agreed that settlement is likely, but do not at this time request a settlement conference before a Magistrate Judge.

6. **Trial by Magistrate Judge.** At this time, the parties are not prepared to consent to trial by a Magistrate Judge.

7. **Budget and Alternative Dispute Resolution.** Counsel for the parties have conferred with their respective clients concerning establishing a budget for litigation and the use of Alternative Dispute Resolution. The parties are willing to participate in mediation in an attempt to resolve this matter and have agreed on, or will attempt to agree upon, a mutually acceptable mediator. The Local Rule 16.1(D)(3) certifications will be filed on or before the April 11, 2004 hearing.

8. **Modification of Schedule.** All dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion of the Court for good cause shown.

Date: On this 4 day of April, 2005

Counsel for Plaintiffs:

By: /s/ O. Oliver Wragg, Esq.
 O. Oliver Wragg, Esq. (BBO #643152)
 Fuller, Fuller & Associates, P.A.
 12000 Biscayne Blvd., Suite 609
 North Miami, FL 33181
 FFA@FullerFuller.com
 Tel.: (305) 891-5199
 Fax: (305) 893-9505

Counsel for Defendant:

By: /s/ Mary Lau, Esq.
 Mary Lau, Esquire
 Lau, Lane, Piper & Conley
 100 S. Ashley Drive, Suite 1700
 Tampa, FL 33601
Mlau@laulane.com
 Tel.: (813)229-2121
 Fax: (813)228-7710

By: /s/ Gordon P. Katz, Esq.
 Holland & Knight, LLP
 10 St. James Avenue
 Boston, MA 02116
 Tel: (617) 523-2700
 Fax: (617) 523-6850